



PLANNING COMMISSION AGENDA

Wednesday, October 22, 2008

6:30 p.m. Regular Meeting

Council Chambers

First Floor, City Hall Wing

200 East Santa Clara Street
San José, California

Jim Zito, Chair

Matt Kamkar, Vice-Chair

Xavier Campos

Lisa Jensen

Christopher Platten

Thang Do

Ash Kalra

Joseph Horwedel, Director

Planning, Building and Code Enforcement

NOTE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Carmen Stanley at 408-535-7856 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Jim Zito** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, October 22, 2008***. Please remember to turn off your cell phones. Parking ticket validation machine for the garage under City Hall is located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4.a., not PD06-023.**

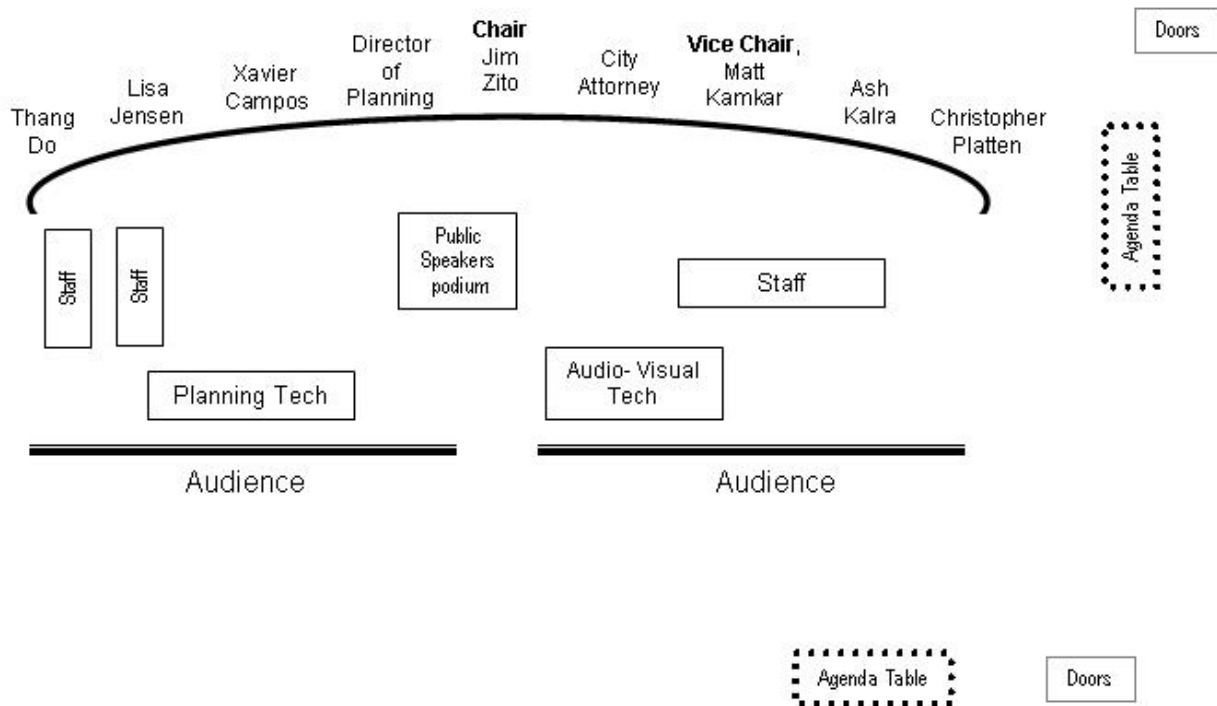
The procedure for this hearing is as follows:

- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. Response to Commissioner questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is only advisory to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezoning and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

The Planning Commission is a seven-member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at http://www.sanjoseca.gov/planning/hearings/planning_com.asp

All public records relating to an open session item on this agenda, which are not exempt from disclosure, pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

Audio for the Planning Commission hearings are recorded and broadcasted live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website:

http://sanjose.granicus.com/ViewPublisher.php?view_id=17

If you have any questions, please direct them to the Planning staff at (408) 535-7800. If you have any agenda questions, please contact Carmen Stanley at (408) 535-7856 or email carmen.stanley@sanjoseca.gov Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

ROLL CALL

1. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

To effectively manage the Planning Commission Agenda, and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine either:

- To proceed with remaining agenda items past 11:00 p.m.;
- To continue this hearing to a later date;
- Or to defer remaining items to the next regularly scheduled Planning Commission meeting date.

Decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m.

- a. **PDC07-017**. Planned Development Rezoning to allow the demolition of existing structures and the construction of up to 47 single-family attached residential units and 6 live/work lofts on a 1.16 gross acre site, located on the west side on Lincoln Avenue extending from W. San Carlos Street on the south to Pacific Avenue on the north, excluding the northwest corner of W. San Carlos Street and Lincoln Avenue (275, 285 Lincoln Avenue, 1141, 1165, 1177 W. San Carlos Street, 966 Pacific Avenue)(James & Tina Jean, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, B.ROTH*

Staff Recommendation: Drop (*Applicant's Request*)

- b. **C08-043**. Conventional Rezoning from Commercial Neighborhood (CN) zoning district to Multiple Residence (R-M) Zoning District for future development of 3 single-family residential units on a 0.19-gross acre site, located on the northwest corner of S. 2nd Street and Martha Street (895 S 2ND ST). A separate Site Development Permit application would need to be approved for the future development of 3 units at the site. (Rose M and Leslie J Fazekas Trustee, Owner). Council District 3. SNI: Spartan/Keyes. CEQA: San José 2020 General Plan Final EIR. *PROJECT MANAGER, E.SAMONSKY*

Staff Recommendation: Drop (*Applicant's Request*)

- c. **ORDINANCE AMENDMENT.** An ordinance of the City of San José Amending these portions of Title 20 of the Municipal Code. (1) Chapter 20.30, Sections 20.30.500 to allow the square footage of accessory structures to match those of garages, (2) Chapter 20.30, Sections 20.30.520 to clarify the minimum separation required for accessory buildings and accessory structures, (3) Chapter 20.90, Section 20.90.220, to allow by right parking reductions to one-car garages for single-family residences located in the R-1, R-2 and R-M Residence Zoning Districts, and (4) Chapter 20.100, Section 20.100.500, to allow minor additions to two-family dwellings provided current parking regulations are being followed. *PROJECT MANAGER, A.BATY*

Staff Recommendation: Defer to 11/05/08 (*staff request*)

- d. **ORDINANCE AMENDMENT.** An ordinance of the City of San José Amending Title 20 of the San José Municipal Code, the Zoning Code, to (1) Amend Section 20.50.010 of Chapter 20.50 to establish the CIC Combined Industrial/Commercial Zoning District and to clarify the IP Industrial Park, LI Light Industrial and HI Heavy Industrial Zoning Districts; (2) Amend Section 20.50.100 to change the “CM” denotation to “C^{gp}” and to allow uses with the “C^{gp}” denotation with a conditional use permit on properties designated mixed industrial overlay or combined industrial/commercial by the general plan, to establish use regulations for the CIC combined Industrial/Commercial Zoning District, to allow laboratory, medium manufacturing and assembly, and warehouse uses as a permitted use in the IP Industrial Park Zoning District; to add research and development office, mortuary without funeral services, and warehouse retail as enumerated uses, to allow crematory uses with a conditional use permit in LI Light Industrial Zoning Districts, to eliminate day care center as a conditional use in the HI Heavy Industrial Zoning District with a mixed industrial overlay, and to add autobroker, wholesale, no on-site storage as a permitted use in the IP Industrial Park Zoning District; (3) Add section 20.50.113 to clarify use regulations for public eating establishments in the LI Light Industrial or HI Heavy Industrial Zoning Districts; (4) Add section 20.50.130 to establish regulations for warehouse retail; (5) Amend section 20.50.200 to establish development regulations for the CIC combined Industrial/Commercial Zoning District; Amend Section 20.90.060 of Chapter 20.90 to establish parking requirements for research and development office, mortuary without funeral services, and warehouse retail; (6) Amend Section 20.100.500 of Chapter 20.100 to allow above-ground storage tanks 2,000 gallons or less with a permit adjustment; (7) Amend Chapter 20.200 to define mortuary and funeral services, mortuary without funeral services, research and development office, and warehouse retail; and make other related clarifying changes and amendments. CEQA: Negative Declaration, PP08-124. *PROJECT MANAGER, S.DO*

Staff Recommendation: Defer to 11/05/08 (*staff request*)

- e. **NORTH SAN JOSÉ AREA DEVELOPMENT POLICY:** North San José Design Guidelines and Implementation Strategy to supplement and provide implementation tools for the previously adopted North San José Area Development Policy. The North San José Design Guidelines provide North San José–specific guidance to both private and public development and include guidelines for Site Planning, Buildings, Parking, Parks and Public Art. The Implementation Strategy includes more specific, technical guidance for the implementation of the adopted policy with respect to Transportation (Grid Street System, Traffic Impact Fee, Public Facilities (Parks, Libraries), Retail, Affordable Housing and a Neighborhood Plan. Council Districts 3 & 4. SNI: N/A. *PROJECT MANAGER, R.BUIKEMA*

Staff Recommendation: Defer to 11/19/08 (*staff request*)

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **CP08-020**. Conditional Use Permit to allow the demolition and reconstruction of a gasoline service station and minimart, and addition of a new car wash facility; with 24-hour operation of the facility and to allow continued off-sale of alcoholic beverages (from 6:00 a.m. to 2:00 a.m.), on a 0.8 gross acre site, in the CG Commercial General Zoning District, located on the northwest corner of Capitol Avenue and Berryessa Road (1141 N CAPITOL AV)(BP West Coast Prods LLC, Owner). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.SAHA*

Staff Recommendation: Approve a Conditional Use Permit to allow the demolition and reconstruction of a gasoline service station and minimart, and addition of a new car wash facility; with 24-hour operation of the facility and to allow continued off-sale of alcoholic beverages (from 6:00 a.m. to 2:00 a.m.), on a 0.8 gross acre site, in the CG Commercial General Zoning District, as recommended by staff.

- b. **CP08-057**. Conditional Use Permit to demolish existing industrial use buildings and allow construction of 100,500 square feet for retail commercial uses, off-sale of alcoholic beverages for future tenants, and to allow a drive-through use for a pharmacy use on an 8.19 gross acre site in the CN Neighborhood Commercial Zoning District, located on northwest corner of Brokaw Road and Oakland Road (1015 E BROKAW RD)(Brokaw Ventures LLC, Owner; Dollinger Properties Scott Athearn, Developer). Council District 4. SNI: None. CEQA: Addendum to EIR. *PROJECT MANAGER, E.SCHREINER*

Staff Recommendation: Approve a Conditional Use Permit to demolish existing industrial use buildings and allow construction of 100,500 square feet for retail commercial uses, off-sale of alcoholic beverages for future tenants, and to allow a drive-through use for a pharmacy use on an 8.19 gross acre site in the CN Neighborhood Commercial Zoning District, as recommended by staff.

- c. **CP08-066**. Conditional Use Permit to allow a 1,600 square foot medical office, in an existing 6,000 square-foot industrial condominium office building in a 98,000 square-foot industrial park office development on a 7.5 gross acre site, in the IP Industrial Park Zoning District, located at 6110 Hellyer Avenue (Building E)(Hellyer Commons LLC, Owner). Council District 2. SNI: None. CEQA: Exempt. *PROJECT MANAGER, C.BURTON*

Staff Recommendation: Approve a Conditional Use Permit to a 1600 square foot medical office, in an existing 6,000 square-foot industrial condominium office building in a 98,000 square-foot industrial park office development on a 7.5 gross acre site, in the IP Industrial Park Zoning District, as recommended by staff.

- d. [CPA05-041-01](#). Conditional Use Permit Amendment to allow expansion of a post-secondary school use in a portion of an existing office building, involving no new construction, on a 2.9 gross acre site in the IP Industrial Park Zoning District, located on the northeast corner of Concourse Drive and Lundy Avenue (2160 Lundy Avenue, Suite 128)(Jel Partners, LLP, Owner). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, C.BURTON*

Staff Recommendation: Approve a Conditional Use Permit Amendment to allow expansion of a post-secondary school use in a portion of an existing office building, involving no new construction, on a 2.9 gross acre site in the IP Industrial Park Zoning District, as recommended by staff.

- e. [PDC05-068](#). Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow the construction of up to 11,844 square feet for religious assembly uses on a 1.0 gross acre site, located on the north side of Story Road, approximately 80 feet easterly of Dominick Way (14671 STORY ROAD)(Wat Lao Buddhaxinaram, Owner). Council District 5. SNI: None. CEQA: Exempt. *PROJECT MANAGER, B.ROTH*

STAFF RECOMMENDATION: Recommend Approval of a Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow the construction of up to 11,844 square feet for religious assembly uses on a 1.0 gross acre site, as recommended by staff.

The following items are considered individually.

3. PUBLIC HEARING

NOTICE TO THE PUBLIC

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. [ORDINANCE AMENDMENT](#). An ordinance of the City of San José Amending Title 20 of the San José Municipal Code, the Zoning Code, to (1) Amend Section 20.40.100 of Chapter 20.40 to allow the sale of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles with a special use permit in the CN Commercial Neighborhood District, add retail art studios as an enumerated use, add outdoor dining incidental to a public eating establishment as an enumerated use; (2) add Section 20.40.140 to establish regulations for retail art studios in Commercial Districts; (3) Amend Section 20.40.250 to revise the front setback exception for Commercial Districts; (4) Amend Section 20.40.520 to allow outdoor dining within 150 feet of residentially zoned property subject to certain restrictions; (5) Amend Section 20.80.1420 of Chapter 20.80 to revise the provisions for outdoor private property special events; (6) Amend Section 20.90.060 of Chapter 20.90 to establish parking requirements for retail art studios and outdoor dining incidental to a public eating establishment, and clarify parking requirements for private uses; (7) Amend Chapter 20.200 to define instructional art studios, retail art studios, and outdoor dining incidental to a public eating establishment; and (8) to make other related clarifying changes and amendments. CEQA: Negative Declaration, PP08-124. *PROJECT MANAGER, S.DO*

- b. [PD07-067](#). APPEAL of the Planning Director's decision to approve a Planned Development Permit for the construction of a 36-unit family shelter and 94 residential apartments on a 1.72 gross acre site with at-grade and underground parking, in the A(PD) Planned Development Zoning District, located at the northeasterly side of North King Rd, 400 feet south of Mabury Rd (686 N. King Road)(Kathy Robinson % Charities Housing Development, Developer). Council District 3. SNI: N/A. CEQA: Use of a Master EIR, Resolution No. 74195.1. *PROJECT MANAGER, A.BATY*

Staff Recommendation: Consider the Environmental Impact Report in accordance with CEQA. Uphold the Planning Director's decision to approve a Planned Development Permit for the construction of a 36-unit family shelter and 94 residential apartments on a 1.72 gross acre site with at-grade and underground parking, in the A(PD) Planned Development Zoning District, as recommended by staff.

- c. [CP07-107](#). Conditional Use Permit to (1) allow a residential care facility for up to 122 residents in an existing 3-story multi-family residential building at 439 S. 4th Street (including exterior changes to the structure) and (2) allow renovation of an existing, adjacent building at 451 S. 4th Street for staff and office uses related to the care facility on an approximately 0.52 gross acre site, in the CG General Commercial Zoning District, located on the west side of South 4th Street, approximately 250 feet southerly of East San Salvador Street (439 - 451 S 4TH ST)(439 S 4th St LLC, A California Co, Owner). Council District 3. SNI: University. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

Staff Recommendation: Approve a Conditional Use Permit to (1) allow a residential care facility for up to 122 residents in an existing 3-story multi-family residential building at 439 S. 4th Street (including exterior changes to the structure) and (2) allow renovation of an existing, adjacent building at 451 S. 4th Street for staff and office uses related to the care facility on an approximately 0.52 gross acre site, in the CG General Commercial Zoning District, as recommended by staff.

- d. [CP08-050](#). Conditional Use permit to allow the off-sale of alcohol at an existing retail store (Discount Cigarettes) on a 0.92 gross acre site in the CP Pedestrian Commercial Zoning District, located on the northeast corner of Meridian Avenue & Branham Lane (4614 MERIDIAN AV)(Sakura Financial Group Inc., Owner). Council District 9. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

Staff Recommendation: Deny a Conditional Use Permit to allow the off-sale of alcohol at an existing retail store (Discount Cigarettes) on a 0.92 gross acre site in the CP Pedestrian Commercial Zoning District, as recommended by staff.

- e. [PDC07-046](#). Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow an outdoor dining patio for an existing restaurant on a 0.375 gross acre site, located on the south side of Hamilton Avenue approximately 320 feet easterly of Meridian Avenue (Tomato Thyme Restaurant)(1560 HAMILTON AV) (John D. Smith, Trustee & et al, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, E.SCHREINER*

Staff Recommendation: Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend Denial of a Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow an outdoor dining patio for an existing restaurant on a 0.375 gross acre site, as recommended by staff.

4. PETITIONS AND COMMUNICATIONS

Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- Responding to statements made or questions posed by members of the public; or
- Requesting staff to report back on a matter at a subsequent meeting; or
- Directing staff to place the item on a future agenda.

5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

6. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' Report from Committees:
 - (1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).
 - (2) Envision San José 2040 General Plan Update Process (Kamkar).
- c. Review of [synopsis for 10/08/08](#).
- d. Consider Study Session dates and/or topics, and confirm Thursday, November 6, 2008 as the date for the Annual Retreat.

ADJOURNMENT

2008 PLANNING COMMISSION MEETING SCHEDULE

| <u>Date</u> | <u>Time</u> | <u>Type of Meeting</u> | <u>Location</u> |
|-------------------|-------------|---|---------------------|
| January 16 | 6:30 p.m. | Regular Meeting | Council Chambers |
| January 30 | 6:30 p.m. | Regular Meeting | W118 & W119 |
| February 13 | 5:00 p.m. | Study Session <i>Review & Comment: Planning Department Website</i> | Room T-332 |
| February 13 | 6:30 p.m. | Regular Meeting | Council Chambers |
| February 27 | 5:00 p.m. | Study Session <i>CEQA: Reviewing Environmental Impact Reports</i> | Room T-332 |
| February 27 | 6:30 p.m. | Regular Meeting | Council Chambers |
| March 12 | 5:00 p.m. | Study Session <i>North San José</i> | Room T-332 |
| March 12 | 6:30 p.m. | Regular Meeting | Council Chambers |
| March 26 | 5:00 p.m. | Study Session <i>Green Vision/Develop City Policy</i> | Room T-332 |
| March 26 | 6:30 p.m. | Regular Meeting/General Plan | Council Chambers |
| April 9 | 5:00 p.m. | Study Session <i>Riparian Corridor Policy</i> | Room T-332 |
| April 9 | 6:30 p.m. | Regular Meeting/General Plan | Council Chambers |
| April 21 (Monday) | 5:00 p.m. | Study Session <i>Inclusionary Housing & Housing Element</i> | Room T-332 |
| April 21 (Monday) | 6:30 p.m. | Regular Meeting/General Plan | Council Chambers |
| May 7 | 5:00 p.m. | Study Session <i>Capital Improvement Program</i> | Room T-1654 |
| May 7 | 6:30 p.m. | Regular Meeting | Council Chambers |
| May 14 | 6:30 p.m. | Regular Meeting | Council Chambers |
| May 28 | 6:30 p.m. | Regular Meeting | Council Chambers |
| June 11 | 5:00 p.m. | Study Session <i>Planning Commission By-Laws</i> | Room T-332 |
| June 11 | 6:30 p.m. | Regular Meeting | Council Chambers |
| June 25 | 5:00 p.m. | CANCELLED Study Session <i>Riparian Corridor Policy</i> | CANCELLED |
| June 25 | 6:30 p.m. | Regular Meeting | Council Chambers |
| July 16 | 6:30 p.m. | Regular Meeting | W-118, W-119, W-120 |
| August 6 | 5:00 p.m. | Study Session <i>Riparian Corridor Policy</i> | Room T-332 |
| August 6 | 6:30 p.m. | Regular Meeting | Council Chambers |
| August 20 | 6:30 p.m. | Regular Meeting | Council Chambers |
| September 10 | 6:30 p.m. | Regular Meeting | Council Chambers |
| September 24 | 5:00 p.m. | Study Session <i>Joint Study Session with Parks Commission</i> | Council Chambers |
| September 24 | 6:30 p.m. | Regular Meeting | Council Chambers |
| September 25 | 8:30 a.m. | Annual Retreat - CANCELLED | Room T-1654 |
| October 8 | 5:00 p.m. | Study Session <i>County Island Annexation Program</i> | Room T-332 |
| October 8 | 6:30 p.m. | Regular Meeting | Council Chambers |
| October 22 | 6:30 p.m. | Regular Meeting | Council Chambers |
| November 5 | 5:00 p.m. | Study Session - CANCELLED <i>Planned Development Processes</i> | Room T-332 |
| November 5 | 6:30 p.m. | Regular Meeting/General Plan | Council Chambers |
| November 6 | 8:30 a.m. | Annual Retreat | Room T-1654 |
| November 19 | 6:30 p.m. | Regular Meeting/General Plan | Council Chambers |
| December 3 | 6:30 p.m. | Regular Meeting | Council Chambers |
| December 10 | 6:30 p.m. | Regular Meeting | Council Chambers |

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior, which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners, or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.